



December 15, 2005

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Ex Parte Notice of the Intelligent Transportation Society of America in WT Docket No. 01-90 and ET Docket No. 98-95

Dear Ms. Dortch:

On behalf of the Intelligent Transportation Society of America ("ITS America") I am writing to supplement the record in the above-referenced dockets regarding its and other pending Petitions for Reconsideration, and subsequent supporting comments, requesting that the Federal Communications Commission ("FCC") designate Channel 172^{1/} in the Dedicated Short Range Communications ("DSRC") Service as a high availability, low latency channel for the highest priority vehicle safety communications.

In September 2004, ITS America filed a Petition for Reconsideration requesting, *inter alia*, the designation of Channel 172 for these critical vehicle-to-vehicle safety communications.^{2/} ARINC Incorporated ("ARINC") also filed a Petition for Reconsideration making this same request.^{3/} In subsequent comments to the record, the Alliance of Automobile Manufacturers and the U.S. Department of Transportation also have indicated their support.^{4/}

^{1/} Channel 172 is one of six service channels in the DSRC band plan. It has long been identified by the DSRC community as the best channel for critical safety applications because it is located furthest from the fixed satellite service ("FSS") operations at 5.925-6.425 GHz and is therefore the least likely to receive out-of-band interference from these operations.

^{2/} Intelligent Transportation Society of America, *Petition for Reconsideration or Clarification*, WT Docket No. 01-90 and ET Docket No. 98-95, 15-17 (filed Sept 4, 2004).

^{3/} ARINC Incorporated, *Petition for Reconsideration and/or Clarification*, WT Docket No. 01-90 and ET Docket No. 98-95, 15-17 (filed Sept 4, 2004). At recent meeting with FCC staff, ARINC again indicated its support for the Channel 172 designation. *Notice of Ex Parte Presentation of ARINC Incorporated*, WT Docket No. 01-90 and ET Docket No. 98-95 (filed Oct. 20, 2005).

^{4/} See, e.g., *Ex Parte Submission of Alliance of Automobile Manufacturers Regarding the Dedicated Short Range Communications Service*, WT Docket No. 01-90 and ET Docket No. 98-

Established in 1991, ITS America is a nonprofit, educational and scientific association created to promote the development and deployment of intelligent transportation systems (“ITS”) systems to improve the safety and efficiency of the nation’s surface transportation infrastructure to enhance efficiency, reduce costs and improve the safety of the traveling public. Its members represent a broad spectrum of entities individuals with interest in ITS drawn from private industry, federal, state and local governments, and the academic community.

ITS America has been very active in the above-listed dockets and in support of the development of the DSRC service. ITS America filed the initial request for rulemaking in 1997 for the allocation of the 5.9 GHz spectrum band (5.850-5.925 GHz) for DSRC as well as several filings proposing licensing and service rules for this new wireless service,^{5/} and, of course, filed a Petition for Reconsideration. For these reasons, and because of the DSRC service’s tremendous potential to improve transportation safety, the Commission’s DSRC rules are of significant interest to ITS America and its members.

In its *Report and Order*^{6/} establishing the licensing and service rules for DSRC, the Commission took an important step toward promoting a wide array of innovative DSRC services that have the potential to ease traffic congestion and promote traffic safety. ITS America notes, however, that the Commission concluded that it was “premature” to specify the requested Channel 172 designation.^{7/} Unless the Commission on reconsideration designates Channel 172 for such communications, ITS America believes that it will not be possible to realize fully the potential transportation safety benefits of the DSRC service.

95 (filed Jan. 25, 2005) (“*Alliance January 2005 Ex Parte*”); *Notice of Ex Parte Presentation of Alliance of Automobile Manufacturers*, WT Docket No. 01-90 and ET Docket No. 98-95 (filed Oct. 27, 2005); *Notice of Ex Parte Meeting of the U.S. Department of Transportation*, WT Docket No. 01-90 and ET Docket and No. 98-95 (filed Oct. 20, 2005).

^{5/} See, e.g., *Ex Parte Submission of the Intelligent Transportation Society of America in WT Docket No. 01-90 and ET Docket No. 98-95: Amendment of the Commission’s Rules Regarding Dedicated Short Range Communications Services in the 5.5850-5.5925 GHz Band (5.9 GHZ Band)*, WT Docket No. 01-90 and ET Docket No. 98-95 (filed Oct. 31, 2003); *Ex Parte Comments of the Intelligent Transportation Society of America: Status Report and Recommendations for Licensing and Service Rules for the DSRC Spectrum in the 5850-5925 MHz Band*, WT Docket No. 01-90 and ET Docket No. 98-85 (filed July 9, 2002). ITS America first proposed designating Channel 172 for vehicle-to-vehicle communications in its July 9, 2002 *Ex Parte* submission (Appendix C at 6).

^{6/} *Amendment of the Commission’s Rules Regarding Dedicated Short-Range Communications Services in the 5.850-5.925 GHz Band (5.9 GHz Band)*, Report and Order, 19 FCC Rcd 2458 (2004) (“*Report and Order*”).

^{7/} *Id.* at 2473 (¶ 29).

ITS America further believes that without usage restrictions that prohibit low priority, non-safety-related communications from being delivered over Channel 172, automakers and other developers of DSRC vehicle safety technology will not be able to reliably use Channel 172 for the most critical road safety applications, such as last-second vehicle collision mitigation, out of fear that the reliability of these latency-intolerant applications could be degraded by the presence of other less-critical communications.^{8/} If this unfortunate result were to occur, the American public would be deprived of an important tool for reducing deaths and injuries due to traffic accidents.

The overall record in this proceeding indicates that if no restriction is imposed by the Commission regarding the use of Channel 172, the companies that are best equipped to develop vehicle collision mitigation technology will not have sufficient confidence in the reliability of their vehicle safety applications to warrant widespread deployment of the technology. This is because in vehicle collision situations a delay of mere milliseconds can mean the difference between collision avoidance or mitigation and significant injury or even death. Under such circumstances, no approach other than a specific use restriction applicable to Channel 172 can provide the certainty of reliability needed to bring DSRC vehicle collision mitigation technologies to market.

Approximately six million police reported automobile collisions occur each year, resulting in about 42,000 deaths and 4.3 million injuries. In addition there are a significant number of accidents each year that are not reported to the police. ITS America believes that DSRC vehicle collision mitigation technology can help to improve these troubling statistics. The Commission can further the development of such technology by designating Channel 172 of the DSRC for high availability, low latency safety communications.

Sincerely,



Neil D. Schuster
President & CEO

Cc: Michael Wilhelm (via email)
Herb Zeiler (via email)
Greg Intoccia (via email)
Tim Maguire (via email)
Jeannie Benfaida (via email)

^{8/} See *Alliance January 2005 Ex Parte* at 3-5.